THE

LAW of INTIMIDATION:

WHAT DOES IT MEAN?

THE DECISION of the PLYMOUTH MAGISTRATES

IN THE CASE OF

MESSRS. CURRAN, SHEPHEARD, AND MATTHEWS.

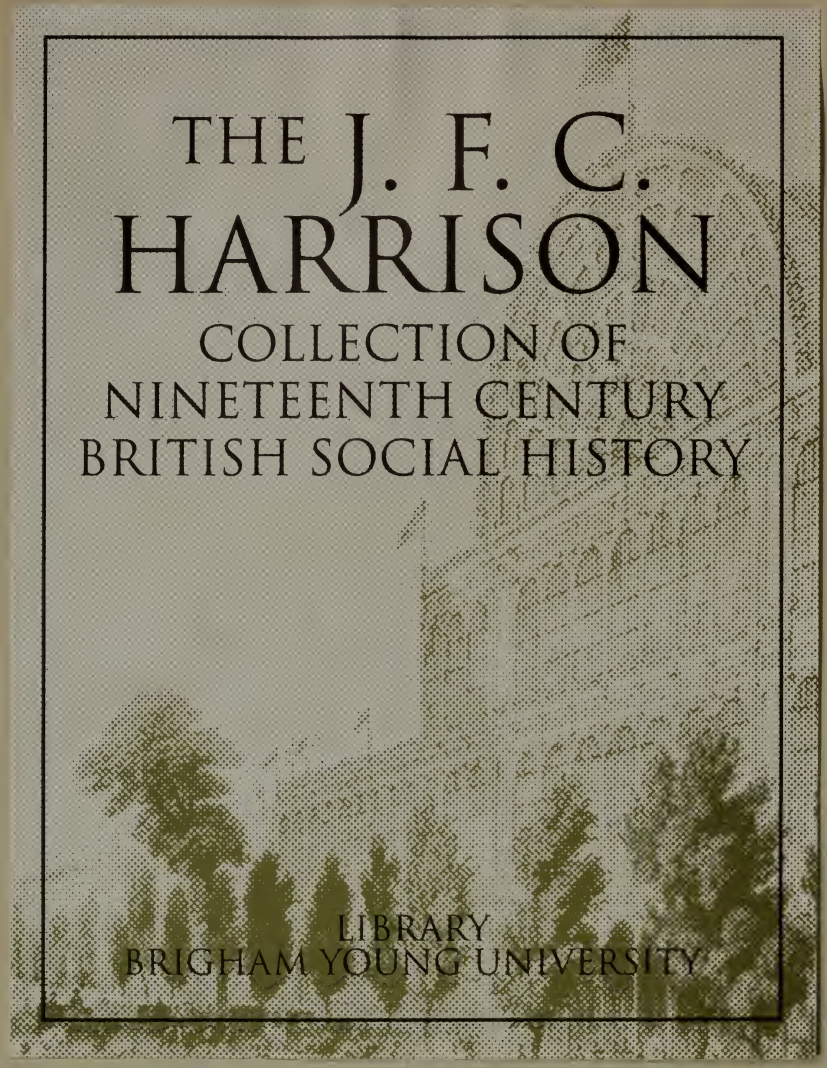
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INTRODUCTORY.

THE following, which is reprinted *verbatim* from the "*Western Daily Mercury*," will tend towards opening the eyes of Trades' Unionists of this country regarding the law of Intimidation, and what it means. The facts leading up to this dispute are clearly demonstrated during the course of the interviews. and the proceedings in Court. Regarding the decision of the Plymouth Magistrates we will say nothing, but leave our fellow Trades' Unionists throughout the country to judge for themselves.

PETE CURRAN,
GEORGE SHEPHEARD,
J. W. MATTHEWS.

THE LABOUR DISPUTE AT PLYMOUTH.

FIRST INTERVIEW.

Reprinted from the "Western Daily Mercury," October 9th, 1890.

YESTERDAY a deputation of the dockers waited on Mr. Treleaven, and he arranged to meet them at 5 p.m., when, by invitation of Mr. Treleaven, reporters were present. The deputation consisted of Messrs. P. Curran, District Secretary of the Gas Workers and General Labourers' Union, Mr. G. Shepherd, District Secretary of the Dockers' Union, and Mr. J. Matthews, Secretary of the Bristol and West of England Labourers' Union. As there were three representatives of the employées Mr. Treleaven sought the advice and counsel of Mr. A. H. Varnier, of Davis, Son and Varnier, and Mr. W. C. Wade, of Wade and Sons, coal merchants, at the conference.

Mr. Treleaven, in opening the proceedings, said it was very unpleasant to have quarrels with workmen, but the present dispute had been thrust upon him. It was all very well to say that the union must be protected, but he as an employer replied that he must be protected. The present dispute was not a question of money. He was in favour of the principle of eight hours as a working day, and was one of the first in the district to allow workmen to leave at one o'clock on Saturday. He was quite prepared to pay the union rate of wages. Many of the union men were thorough blackguards, and he had employed non-union men on that account.

Mr. Curran said they were doing their duty in trying to prevent Mr. Treleaven employing non union men, but they would not countenance any insubordination on the part of their members towards an employer. They were determined to punish any man for insubordination by inflicting heavy fines, for such men were detrimental to the cause of the union. He stated that there was a set of bye-laws by which members could be punished for insubordination, but it was afterwards explained that these laws had not been finally sanctioned.

Mr. Treleaven replied that theoretically their laws seemed to be perfect. He found Mr. Shepherd very courteous, but it appeared to him that the men only obeyed the union officials when the demands which were made were to their advantage.

Mr. Curran stated that in the London Dockers' Union any man who refused to obey the behests of the union officials was simply outlawed so far as the union was concerned.

Mr. Treleaven denied having told men that they were silly to belong to the union. He explained that seven or eight months ago he voluntarily advanced his men's wages one shilling per week, and the union took the credit of it. He was annoyed at this, and said if the union took the credit for the last rise they should take the credit for the next, and when they left the union he would give them another shilling.

Mr. Curran said Mr. Treleaven must clearly understand that the union intended to prevent him employing non-unionists. The union would be absolutely powerless if they allowed non-union men to be employed alongside union men.

Mr. Varnier remarked that so far as he was concerned he should be prepared to fight against that.

Mr. Matthews characterised Mr. Varnier as an obstructionist, and said that he was one who in the past had prevented conciliation between the men and the employers.

Mr. Curran said complaints against Mr. Varnier were outside the present question.

Mr. Treleaven explained that he had asked Mr. Varnier to be present as representing other coal merchants. He wished for peace, but he also wished for the uninterrupted control of his own business. He found the capital and brains, and paid the proper wages with pleasure. He was willing to enter into any arrangement which might be mutually satisfactory, but he must protect his own individual liberty.

Mr. Curran replied that the dockers desired peace. Their object in waiting on Mr. Treleaven was to bring about a friendly arrangement. They did not wish to fight; that was not the principal work of the union. But they wanted to protect the union, and they must do it. They did not desire to impose any conditions on Mr. Treleaven which were not agreed to by other employers.

Mr. Treleaven asked if there was any desire to dictate as t what particular unionists he should employ.

Mr. Curran said they did not care who Mr. Treleaven employed so long as they were union men.

Mr. Treleaven said he objected to be obliged to employ men who were blustering instead of those who were civil.

Mr. Shepheard observed that they wanted to ensure that no man should be made a mark of because he was more outspoken than some of his fellows.

Mr. Curran said he had come to Plymouth for the first time in connection with this business. It was only fair to tell Mr. Treleaven that he had got a name among their sensible men that he was a recruiting agent for non-union men.

Mr. Treleaven repudiated that, and Mr. Varnier supported him.

Mr. Curran said it might be untrue, but the charge had been made against Mr Treleaven.

Mr. Treleaven said he had done all in his power to conciliate, and he went on to say that he was served an infamous trick in February last, when, without notice, the men stopped work on one of his steamers and demanded an extra 2d. per ton. That was a very unjust and unrighteous thing to do.

Mr. Matthews said the fault rested with the stevedore, who ought to have informed Mr. Treleaven of the fact.

Mr. Treleaven said it was a fact nevertheless, and they could not deny it.

Mr. Matthews admitted the truth of the statement, but reminded Mr. Treleaven that he had told him he should not have a day's work any more.

Mr. Treleaven—Perhaps you have a better job now?

Mr. Matthews replied that he had not. He much preferred working at his trade, but he was determined to do his duty to the union.

Mr. Curran protested against the statement of Mr. Treleaven, as it was personal, and that gentleman withdrew the same.

Mr. Wade remarked that with regard to recruiting non-union men, if a man wanted to do anything of the kind he had only to go into Cornwall where mining was in a languishing state, and they could get hundreds of men.

Mr. Curran stated that he had been in Cornwall himself, and had organised 500 or 600 men in Camborne alone, and he had no doubt that the miners would be able to get better wages.

Mr. Treleaven only wished for control over his own business.

Mr. Curran intimated that he should write to the executive of the Dockers' Union, and see that Mr. Shepheard was supported in his policy. They could not allow any man to ignore

the union officials. He came there quite unprepared to find reporters of the Press present, although they were not afraid of the Press. He put it to Mr. Treleaven if he had not stated that he had asked non-union men to take over his work.

Mr. Treleaven said he had not done so.

Mr. Curran said Mr. Treleaven had got one man in his employ who had acted very dishonourably, and no union man would work with him.

Mr. Treleaven explained that the man got drunk on duty, and he discharged him, but the man afterwards apologised and he had not the heart to refuse to give him a job.

Mr. Curran answered that it was not necessary to discuss the man's character. If Mr. Treleaven gave a definite answer that he would insist on employing non-union men, then he would have to face the resistance of the union.

Mr. Treleaven intimated that he did not intend to discharge the man in question unless they undertook to take him back into the union.

Mr. Curran and others said they would agree to the man coming back into the union if he would pay his contributions and obey the officials.

In the course of further discussion Mr. Treleaven reminded the deputation that earlier in the day a threat had been held out to him that if he carried on his business as he pleased and employed men irrespective of the fact that they were non-unionists all the united unions of the country would be combined against him in order to crush him in his business.

Mr. Curran said he did not speak of the unions of the whole country, but of the unions of the Three Towns and neighbourhood.

Mr. Treleaven remarked that the threat was held out to him all the same.

Mr. Curran stated that it rested with the unions of the Three Towns, and they attended that afternoon as a deputation from the Joint Committee, in order to see if some arrangement could be come to.

Mr. Treleaven—But you do not deny that the threat was used?

Mr. Curran—I used the words myself, and I repeat them now in the presence of the reporters.

Mr. Treleaven—That is what I want you to do.

Mr. Curran—I said if you persisted in recruiting non-union men and employing them in spite of the union officials, that all the unions of the port of Plymouth would combine to meet you.

Mr. Treleaven—And you would do your very best——

Mr. Curran—Would do our very best to prevent your work going on.

Mr. Treleaven was glad they had met, and he thought they could see their way a little clearer. The work of discharging the Ocean Queen would still go on, and would be completed by Monday. That would give him time to consider his position, and probably when they met again they would be able to come to a satisfactory arrangement. It might give them some satisfaction to know that he had just met a captain who was bringing his ship to discharge at Devonport, and that he had advised the captain to employ union men and Devonport men. They would see from that that there was no antagonism on his part to the interests of the union, and he thought they might yet arrive at some reasonable and definite understanding.

In reply to Mr. Curran, Mr. Treleaven said that for the sake of keeping peace no non-union men would be taken on pending their efforts to come to a decision. If he had to fight them ultimately he should like to fight them in good temper and with a perfect understanding.

Mr. Curran expressed himself perfectly satisfied with the reply of Mr. Treleaven, and said he would agree to the suggestion that the question remain in abeyance until Monday next with a view of an amicable settlement.

The interview then terminated.

SECOND INTERVIEW.

Reprinted from the "Western Daily Mercury," October 14th, **1890.**

THE MERCHANTS RESIST THE DEMANDS OF THE MEN.

YESTERDAY afternoon the representatives of the Plymouth coal porters—Messrs. P. Curran, District Secretary of the Gas Workers and General Labourers' Union; G. Shepherd, District Secretary of the Dockers' Union; and J. W. Matthews, Secretary of the Bristol and West of England Labourers' Union—attended at the office of Mr. G. F. Treleaven, coal merchant, Great Western Docks, to meet that gentleman, in company with Mr. A. H. Varnier (Davis, Son, and Varnier), and Mr. W. C. Wade (Wade and Son), and learn the decision of the coal merchants with respect to the demands of the men, that only members of the union shall be employed.

Mr. Treleaven said he had given the matter a good deal of consideration, and thought his way seemed perfectly clear, but felt he did not like to act alone, particularly as he had been told that he was the only coal merchant who had caused any trouble. He put the whole question before a largely-attended meeting of the coal merchants, who not only extended to him their hearty sympathy and support, but signed a document agreeing entirely with what he had done to obtain freedom for himself in employing whom he pleased—whether he belonged to the union or not—and freedom for the men to get the best money for their services. He could not see the right of the union, which was self-constituted, and had no legal authority whatever, to say that he should only employ union men. That being so he was unable to agree to the demands of the union.

He had taken, through his solicitor, the highest legal opinion obtainable as to the remarks made by Mr. Curran on Thursday last, as reported in the papers, and had it on their authority that they were actionable and libellous. But to show that he desired peace he would take no notice of them. He would let it pass.

Mr. Curran—I wish you would not.

Mr. Treleaven said, in the interests of peace, he would let it pass. But, if either of the three ships with cargoes of coals for him, and on which only union men were employed, stopped work, he should know what that really meant, and would then be compelled to take the necessary legal proceedings. He did not wish to do anything unpleasant, but if he was attacked he should have to invoke the power of the law.

Mr. Curran—If we lay ourselves open to be prosecuted it is your place to see that we are prosecuted.

Mr. Treleaven—Not necessarily so.

Mr. Wade remarked that the present rate of wages to coal porters in Plymouth was the highest in the country for unskilled labour—(Mr. Curran—That is said from a want of knowledge)—but the merchants had shown their loyalty to their townsmen by not employing from outside.

Mr. Treleaven observed that it was not a matter of price with him He only asked to be allowed to employ whom he felt disposed.

Mr. Curran thought they were justified in saying that at the present time they were engaged in discussing a question between the merchants and the union men of Plymouth, and he must congratulate the merchants upon their selection to advocate their cause. They believed that this was not a question of price, nor one of detail, but one striking at the very base of trades union principles, and the three unions as represented that day were determined to resist to the utmost

what was a deliberate attempt to break up the unions. The merchants could not say that they had been arbitrary in their demands, or outrageous in their conduct—(Mr. Treleaven—Not at all.) They only wished to maintain that which the men already had. He understood that the merchants were going to employ non-union men whether they liked it or not.

Mr. Treleaven—I am going to defend the position that you have attacked—that of my freedom.

Mr. Curran answered that the unions were quite prepared. This was not a question of the Three Towns, but one of fighting trades unions throughout the world. They only asked the merchants to employ union men.

Mr. Treleaven—You demanded it, and said if I refused you would force me. He then read from the report which appeared in the *Western Daily Mercury*, to the effect that Mr. Curran stated that if the men's demands were not complied with, all the unions in the port would combine to prevent Mr. Treleaven's work going on.

Mr. Curran—We do not retract one syllable of that. It is our duty to see that non-union men are not employed by the side of union men.

Mr. Treleaven—I will give you a guarantee that that will not be done.

Mr. Curran—That is to say that you will employ all union men?

Mr. Treleaven—No, that is not my position. The question of a man being a union or non-union man would have nothing to do with him in employing a man as long as he could be relied upon. He often had two ships in at a time.

Mr. Curran—Then you would employ all union men on one and non-union men on another. That would only increase their difficulty. The unions would persist in their demands that the merchants should employ no men as porters except union men.

After further desultory discussion Mr. Shepheard suggested that Mr. Treleaven should act as chairman of the meeting, so that he might keep them more strictly in order.

Mr. Treleaven, however, thought there was no need for such a formality, as they now seemed to be pretty clear as to what their relative positions were. (Hear, hear).

Mr. Curran ventured to throw out the spontaneous suggestion that if they could agree on the broad principle of the employment of only union men, all questions of detail—such as rates of pay, numbers of gangs, tonnage, and so on—might be settled at the earliest opportunity by representatives of employers and employed.

With this the other members of the unionist deputation agreed.

Mr. Curran, however, insisted that they must be firm in maintaining trades unionism, even at the risk of appearing arbitrary and coercive. The moment they permitted non-union men to be employed that moment they shattered the cause they had at heart. While ready to promote an amicable settlement of details, he was bound to tell the employers that the unions of the Three Towns had a fairly good banking account, the men having keen pretty well employed and having fairly paid up their subscriptions, and they were prepared, if need be, to fight to the bitter end; "but," he added, "we don't want to fight for all that."

Mr. Treleaven—You say the men have been fully employed and have paid up their subscriptions, but who have had the pleasure of employing them and paying them their wages?

Mr. Curran replied that the constant employment was the result of the prosperity of English commerce.

Mr. Treleaven—We may meet again at Christmas, and you will be able to tell me what the condition of the prosperity of England is then.

Mr. Curran said he quite understood what that meant.

In reply to Mr. Varnier, Mr. Curran repeated that if they could agree on the basis of the employers recognising trades unionism, they might settle details afterwards.

Mr. Varnier—We don't ignore trades unionism. We might as well try to ignore science.

Mr. Curran—It is not a question of ignoring it, even if you were capable of ignoring it. The question was whether they would work against trades unionism as employers by trying to recruit non-union men.

Mr. Wade—It is you who are driving us to do so. Up to the present we have not taken a step towards it.

Mr. Curran—Not a decided step, but something has been done.

Mr. Treleaven reminded them that he had just run a ship without non-union men, so that he was not interfering.

Mr. Curran—But it has been through you that these men, who are now in compliance with the union official, have before now acted in defiance of him.

Mr. Treleaven—That is because I cannot recognise the authority of the union to dictate to me whom I shall employ.

Mr. Shepheard—Had those men been true to the union rules there would have been no question.

Mr, Treleaven—But as they prefer to be true to the man who employs them and gives them the money on which they live, they elected to stand on my side.

Mr. Curran remarked that as a rule merchants employed men with the hope of getting a little profit out of them.

Mr. Treleaven said that at the present low rates of freight they were losing.

Mr. Varnier observed that if they were ready to reconsider questions of detail the ground was very much cleared; and Mr. Curran obtained from both his colleagues an explicit endorsement of his statement that they were unanimous on that point, if only they could get anything like a satisfactory answer on the broad principle.

Mr. Treleaven said he found on inquiry that the authorities at Southampton were getting their work done on the broad principle of not inquiring whether the men were unionist or non-unionist.

Mr. Curran—That is very important.

Mr. Treleaven said he also found that was the case with the Dock Company.

Mr. Curran here asked Mr. Treleaven to give a "straight answer to a straight question." Was it his desire to act up to that arrangement?

Mr. Treleaven—What arrangement?

Mr. Curran—Of employing union men or non-union men as you think fit?

Mr. Treleaven—My desire is to get freedom for myself.

Mr. Curran—To carry on your work irrespective of the union?

Mr. Treleaven—Irrespective of the union, but not in antagonism to the union in any way.

Mr. Curran—All we want is straight answers, and then we shall know how to act.

Mr. Treleaven—That is a straight answer, surely.

Mr. Curran—He that is not for us is against us.

Mr. Treleaven—I can't go into sophistry of that kind.

Mr. Curran made a note of Mr. Treleaven's statement that "he wished to work irrespective of the union, but not in antagonism to it," and then asked if that was the desire of the merchants of the port of Plymouth.

Mr. Treleaven said it was, and handed Mr. Curran the document previously referred to, of which the following is a copy:—

> "We, the undersigned, hereby assert that we will not bind ourselves as to whom we shall employ in the carrying out of our work."—W. H. Jennings, John Friend and Co., W. T. Bennett, Voddon and Johns, F. Willmott, W. J. Polkinghorne, Harvey and Son, Westington and Stevens, Sampson and Co., Goodman Bros., W. Hosking, Harcourt Fodden, A. F. Hooper, A. H. Varnier, Geo. F. Treleaven, Rd. A. Penrose (agent for Vivian and Sons), and W. Wade and Son.

Mr. Curran, after perusing the paper, said if it expressed the views of the majority of the merchants, he did not see that they could go any further. They, as representing the trades

unions, could not give way on the vital principle. On any question of detail they might meet again, "but," he added, "we can never meet you on that again—if you are going to fight us on that point the fight must begin."

This practically brought the interview to an end, although the discussion was carried on for some time, the merchants on their part protesting that they were not beginning the fight, but only acting in defence of their own freedom of action, and Mr. Curran reiterating on the part of the union officials that they were determined to stand firm on the main issue, though willing to adjust details.

The deputation withdrew, stating their intention of informing the men of the result of the interview at a meeting to be held that evening.

It should be stated that in the course of the interview questions cropped up as to the use of steam gear, and as to the fact that unionist coal porters are allowed to discharge gas coal at 1½d. per ton instead of the 2d. demanded for house coal.

On the first point Mr. Curran explained that the objection to steam gear was not out of opposition to machinery on principle, but simply because in this case its use was attended by danger to life and limb. The reduced rate for gas coal was explained on the ground that the men employed in discharging it were also given work in the gas company's stores. To this it was replied that a similar thing could be said of several of the merchants' men; and in further conversation on the point the deputation intimated that they were in favour of a uniform rate if it could be arranged.

In the evening the members of the three unions met at the Foresters' Hall, Notte Street, to learn the result of the interview between the merchants and the representatives of the unions. The meeting was largely attended, and the greatest enthusiasm prevailed. Messrs. Curran, Matthews, and Shepheard having explained the situation, the following resolution was unanimously passed:—

> "The members of the combined unions here assembled declare their intention of using every legitimate effort within their power to prevent the merchants of the Port of Plymouth from employing non-union men."

Three cheers for the union concluded the meeting.

The unions have for some time been agitating in favour of a man being employed to carry baskets of coal when a small vessel is being discharged, instead of the mate being allowed to swing the basket as it comes from the hold right into the cart. This was being done yesterday in the case of a ship lying alongside Messrs. Sparrow's, when, as Mr. Sparrow

refused to employ a man to walk the plank with the basket, Mr. Curran called out two union men working in the hold, and they obeying the behests of the union the work of discharging was stopped. Mr. Sparrow threatened to prosecute Mr. Curran for trespass on private property. It is stated that Mr. Sparrow purposes putting his regular workmen to work out the cargo. The union officials will attempt to stop this.

REPORTER'S INTERVIEW.

Reprinted from the "Western Daily Mercury" October 15th, 1890.

LAST evening Messrs. P. Curran and Matthews, of the Bristol and West of England Gas Workers and General Labourers' Union, and Mr. G. Shepheard, District Secretary of the Dockers' Union, against whom it is said legal proceedings will be taken by Mr. Treleaven for intimidation, attended at our office to complain of some misstatements, and in the course of an interview

Mr. Curran said—In the first place I wish to refer to a paragraph in your paper to-day, in which it is said that the union has been unable to maintain its position. That statement I challenge, because we have maintained our position up to the present, and we are all pleased with the result of our efforts. We have been successful in calling off our men, and thus in stopping all Mr. Treleaven's work of discharging his vessels apart from the one on which the four non-union men are employed.

But do they not belong to the union?

They do not; they disobeyed orders and stand as non-union men. Our ranks are open to them after making the necessary apology according to the society's rules, and after paying whatever small fine might be inflicted upon them.

What is the real explanation of the present struggle?

The situation stands thus:—We declare that Mr. Treleaven is employing these four men with the express object of recruiting non-union men with a view to defeating the objects of trades unionism, and we want to dissuade Mr. Treleaven, or any other merchant, from hiring non-union men, because we believe that the moment we permit non-union men to work alongside union men there will be a tendency to drag down wages, and to restore the men to the old conditions. For this reason, non-union men will disregard the laws and conditions

laid down to work the Port of Plymouth, they would be at liberty to accept any wages, work with any number of men in a gang, and no one could interfere with them. Therefore the members of the combined unions, numbering over 5,000 men, are unanimous in the belief that it would be the beginning of the smash up of unionism in the port if they were to sanction non-union men working with them. Practically speaking, it is a question of union or non-union men being employed in Plymouth. If non-union men are permitted to work alongside union men and at the same rate of wages without paying any contribution to the union—which has striven for and obtained the present standard of pay—then the members of the union would have no privileges and the whole union would become disorganised.

Are the unions acting together?

Yes, decidedly. The combined unions are acting loyally together, and they are unanimous in the opinion that if the merchants have their way in this matter it will be the beginning of the end. If Mr. Treleaven and other merchants are once permitted to employ non-union men we believe, and we are emphatic in this belief, that they would always engage non-union men when they could get them. The merchants admit they are directly opposed to the trades unions of the harbour, and some of them have said they would employ non-union men. Upon the present struggle depends the very existence of trades unions in the port. We learn to-day that Mr. Treleaven has been promised support from the other coal merchants by their sending their regular hands—store men—to assist in his work of discharging. We wish it to go forth to the public that we shall feel compelled on account of the very existence of our unions to call off our men from, and thus to stop the work of any merchant who assists Mr. Treleaven. We are bound to do this in accordance with the resolution unanimously passed at a meeting of the combined unions. We shall therefore be bound to withdraw the men in the employ of merchants who render any aid to Mr. Treleaven.

In what position do you stand for the struggle?

Our banking accounts stand very good; in fact, the balance never been so large as it is at present, inasmuch as we have had very little call on our funds, and the men have decided under the present circumstances, seeing that the very existence of the union is at stake, to fight as long as there is one penny in the exchequer. If the difficulties increase to the extent of calling off all the merchants' men we have arranged a method whereby we will be able to give employment to our own men, and to prove by practical demonstration that the profits secured by the recent agitations in the coal trade have mainly

gone into the pockets of the merchants, and that we shall be prepared to put a share of them into the pockets of the consumers. As illustrating the stand we take in this matter I may mention that there are several large firms in Plymouth which refuse to employ any non-union men, and they do so because they find that the men who are loyal to the union are men who are loyal to their class, and who, therefore, make the best possible workmen.

The interview then terminated.

THE TRIAL.

THE LEADERS PROSECUTED.

HEAVY FINE.—AN APPEAL.

THE Plymouth Police Court was crowded to excess on Monday, October 20th, 1890, when the summonses against the leaders of the combined unions of the Port of Plymouth for alleged intimidation arising out of the recent dispute with the coal merchants came on for hearing. The magistrates on the Bench were Captain G. H. Inskip, R.N., Captain T. A. Julian, and Mr. W. Morrish. The greatest interest was evinced in the case, and many were the expressions of sympathy with the defendants. Peter Curran, District Secretary of the Gas Workers and General Labourers' Union; George Shepheard, District Secretary Dockers' Union: and John William Matthews, Secretary of the Bristol, West of England, and South Wales Trade Operatives' Society, were summoned for having "between the 8th and 17th days of October at the borough, with a view to compel George Frederick Treleaven to abstain from doing a certain act which he had a legal right to do—that was to say, to retain in his employment divers workpeople, non-members of trades unions, unlawfully, wrongfully, and without legal authority, did intimidate the said G. F. Treleaven." Mr. Percy T. Pearce (Bond and Pearce) represented the complainant, and the defendants were unrepresented, conducting their case in person.

The Magistrates' Clerk (Mr. C. V. Bridgman) pointed out to the defendants that by sub-section 9 of the Conspiracy and Protection of Property Act they could object to be tried by a court of summary jurisdiction, and thereupon the court of summary jurisdiction might deal with the case in all respects as if the accused were charged with an indictable offence. Defendants could elect to be tried at the Quarter Sessions or by the Court that day.

Curran having elicited that they could appeal if convicted, said they were prepared to stand their trial that day.

Mr. Pearce, in the course of a very lengthy statement, said he appeared to prefer a charge against the defendants which was based upon Section 7 of the Conspiracy and Protection of Property Act of 1875, and he asked for the indulgence of the Bench while he detailed the circumstances of the serious charge. The defendants were not what he might describe as the tools, but as those who used the tools, and in bringing the defendants before the Bench they were striking at the root of what they might regard as a serious evil, and as practically the commencement of almost a civil war in this country. (Hisses). It was well that those present should know at once that any demonstration of theirs would not affect him in doing his duty as an advocate, and he felt assured that it would not affect the magistrates. He was sure no one would wish more than the defendants that the public should conduct themselves in an orderly and proper manner, and not interrupt the proper course of procedure at that Court. He had a duty to perform to his client, and should do it fearlessly and to the fullest extent of his power. The three defendants were three responsible officials of three large, important, and influential organisations, and no one would object to such organisations provided that their power was confined within legal and legitimate limits. Mr. Treleaven, as a coal merchant, was a large employer of labour, and the defendants, according to the principles of their organisation, endeavoured to lay it down that it was essential that the workmen of Great Britain should practically dictate to the employers of labour what labourers they should have in their employ, and that they should employ only union men; if, however Mr. Treleaven dared to employ men who were not members of the union he was threatened that the unions would combine to crush him The right of an employer to employ whom he pleased had been beautifully laid down in excellent language by one of the judges, and the defendants ought to, above all, to agree to a certain extent with the principles there defined. Mr. Justice Blackburne held, on an appeal case, that every man had freedom for himself to work where he pleased, and no one had a right to coerce or to deprive others of that freedom The defendants

—Shepheard and Matthews—had assented to the assertions and propositions of Curran at the interviews between them and the merchants. On the 6th instant the "Ocean Queen" arrived at Plymouth with a cargo of coals for Mr. Treleaven, who had, what defendants would say, the presumption to employ men who were not members of their respective unions. The men were called out from the ship by the defendants, but they refused to leave and continued their work. This led to a serious assault being committed upon some of those who were working on the "Ocean Queen."

Mr. Curran protested that this had nothing to do with the present case. (Applause).

The Chairman threatened to have the court cleared if the interruptions were continued.

Mr. Pearce would endeavour to state the case fairly, especially as the defendants were not represented. His charge was based as from the 8th inst. On that day an assault was committed on a non-union man, and the offender was convicted. The following report appeared in the *Western Daily Mercury* of an interview between the defendants and Mr. Treleaven on the 9th inst:—

"In the course of further discussion Mr. Treleaven reminded the deputation that earlier in the day a threat had been held out to him that if he carried on his business as he pleased, and employed men irrespective of the fact that they were non-unionists, all the united unions of the country would be combined against him in order to crush him in his business."

Mr. Curran said he did not speak of the unions of the whole country, but of the unions of the Three Towns and neighbourhood.

Mr. Treleaven remarked that the threat was held out to him all the same.

Mr. Curran stated that it rested with the unions of the Three Towns, and they attended that afternoon as a deputation from the Joint Committee in order to see if some arrangement could be come to.

Mr. Treleaven—But you do not deny that the threat was used?

Mr. Curran—I used the words myself, and I repeat them now in the presence of the reporters.

Mr. Treleaven—That is what I want you to do.

Mr. Curran—I said if you persisted in recruiting non-union men, and employing them in spite of the union officials, that all the unions of the Port of Plymouth would combine to meet you.

Mr. Treleaven—And you would do your very best——

Mr. Curran—Would do our very best to prevent your work going on.

The work on the "Ocean Queen" went on, and at a second interview on the 14th between the defendants and Mr. Treleaven the report of the *Western Daily Mercury* of the previous interview was read over to Curran, with special reference to the threat, and Curran answered: "We do not retract one syllable of that. It is our duty to see that non-union men are not employed alongside union men.' On the following day, because Mr. Treleaven refused to be subjected to

tyranny of the union—he would describe it as despotic tyranny—the union men working on board three of Mr. Treleaven's ships were called out by the defendants, and Mr. Treleaven had been unable to continue the work of unloading these ships. Defendants had boasted of this. On the 16th there appeared in the *Western Daily Mercury* an account of an interview between the three defendants and one of the reporters, in fairness to whom it was only right to say that he was an unwilling witness, but, unfortunately, had to obey a subpœna of the magistrates. In this interview the defendants went further than before, for they said

"We wish it to go forth to the public that we shall feel compelled, on account of the very existence of our unions, to call off our men from, and thus to stop the work of, any merchant who assists Mr. Treleaven. We are bound to do this in accordance with the resolution unanimously passed at a meeting of the combined unions. We shall therefore be bound to withdraw the men in the employ of merchants who render any aid to Mr. Treleaven."

These were not mere idle threats, but threats which had been carried into execution. Defendants had interrupted Mr. Treleaven in and interfered with his business. He should ask the Bench to say, having regard to the circumstances and the whole of the facts, that Mr. Treleaven had within the meaning of the Act been materially intimidated by the defendants, and he called upon the magistrates to act decisively, firmly, and fearlessly and to at once nip in the bud and put an end to what might otherwise be a very serious matter, not only for the Three Towns, but practically throughout the whole of Great Britain. It was not his duty to suggest to the Bench what punishment they should inflict on the defendants—if they found them guilty—but he would point out if they were fined that it would not be punishing them, but the members of the union who would be called to pay the fines. In the case of Shelborne v. Oliver the registered officials of the Trades Union went to the master and said they would not allow a man called James to work. On that James was discharged, and the officials were held by the magistrates to have been guilty of intimidation. On an appeal, the Judge said "Surely the coercion used was illegal; it is more than monstrous, it is rather tyranny." Mr. Pearce than referred to a case decided in November, 1887, in which the evidence was not one tithe as strong as the evidence to which he had referred. In that case the Secretary of the National Union of Operative Boot and Shoe Rivetters simply threatened to call out the employés of a certain workshop, but nothing was done towards carrying out the threat. The secretary was convicted for intimidation, and Mr. Justice Stephens and Mr. Justice Wills, in confirming the decision on appeal, held that no

violence or recourse to violence was necessary for a man to be guilty of intimidation. The word intimidation might mean any kind of threat so long as it made the person to whom it was uttered reasonably afraid. Since these men were called out from Mr. Treleaven's ships by the defendants, men had congregated, sometimes in large numbers and sometimes in small numbers, outside the offices of Mr. Treleaven, and when Mr. Treleaven had passed in or out he had heard murmurs, whilst another coal merchant had heard curses against—

Mr. Curran protested against such statements being made, as they were outside the case.

Mr. Pearce replied that these men had been called off Mr. Treleaven's ships by the defendants, and he argued that from what had since transpired Mr. Treleaven was justified in saying that he was intimidated. Such evidence was admitted in the cases to which he had referred. After having adduced evidence in support of the facts he had before the Bench he should ask them to administer the law fearlessly, and to say that the defendants were jointly, and if not jointly, separately and individually, guilty of intimidation.

Mr. George F. Treleaven, residing at 13, Gordon Terrace, Plymouth, carrying on business as a coal merchant at Plymouth and Devonport, said a man named Baker was convicted at Stonehouse on the 9th instant for assaulting a workman in his employ, and on the same afternoon an interview between the three defendants and himself took place at his office. Mr. Wade and Mr. Varnier, and the representatives of the Press were present. Defendants attended as a deputation to protest against his employing men who did not belong to the union. Curran acted as spokesman, and on all points obtained acquiescence of his colleagues on what he had said. Curran said if he persisted in employing non-union men the combined unions would unite to prevent his business going on and to crush him. On the 14th October at another meeting between the defendants and himself, he read the report of the previous interview from the *Western Daily Mercury* with reference to the threats used, and Curran and the other defendants said they did not retract one word. He did not see his way clear to accept the dictum of the defendants, and on the following day—the 15th—he saw the three defendants talking to the union men employed on board the ship "Ezel." Curran called him over, and then he said, "Now men, inasmuch as Mr. Treleaven persists in employing non-union men, we, the officials of the union, call upon all union men to leave his employ." On that the union men left the ships they were working. Two ships had stopped discharging since Wednesday last, whilst he was working the third by means of the crew of the "Ocean Queen," which was ready for sea. He had received notice of claims for demurrage from the owners of the vessels which had ceased working. He had read the *Western Daily Mercury* of the 17th, in which Mr. Curran was purported to have threatened to call out all union men in the employ of other merchants if they rendered Mr. Treleaven any assistance. As a result he was intimidated and in fear. He paid the union men who were called off by the defendents £1 3s. 4d. each for 2½ day's work. The men would have worked on but for the action of the defendants. The non-union men whom he refused to discharge, and who declined to obey the rules of the union, were still working for him.

Cross-examined by Mr. Curran—You said in your opening remarks that we asserted that we would "crush" you?—Yes.

On reading over the statement I made in the presence of the reporters I fail to discover the word "crush." That appears not to have been given, but I am clear about it in my own mind.

Mr. Pearce—It is there in the report.

The Clerk—What are you reading?

Mr. Curran—The *Western Daily Mercury* report of the first interview. That is what the charge is based upon, is it not?

Witness—I don't know what the charge is based upon other than what we are now doing. (Laughter).

Mr. Curran read the statement attributed to him, and added—I disclaimed saying anything besides what was reported in the *Mercury*, and my disclaimer was accepted by Mr. Treleaven.

The Clerk—Did he say that he had not used the word "crush?"

Witness—Nothing was said about that—not that I heard.

Mr. Curran—Did you not repeat the words which had been supposed to pass between us and your cashier in the morning, viz., "That the whole of the unions in the country would combine to crush you"?

Witness—I asked if that was true.

Mr. Curran—And when you repeated those words I repudiated them?

Witness—Yes, as to the "whole of the unions in the country." You said only the unions of the Three Towns.

Mr. Curran—And then you said, "But the threat was held out nevertheless," and in reply I said that I had used certain words to your cashier, and I would now repeat them verbatim in the presence of the reporters.

Witness—Yes.

Mr. Curran again asked the witness to show where he (Mr. Curran) had used the word "crush."

Mr. Pearce—I can show you. It is in the passage beginning "In the course of further discussion."

Mr. Curran—Excuse me, I am cross-examining.

Witness explained that the original statement was made earlier in the day, and he asked defendant whether it was a true statement of what he had said.

Mr. Curran—As we stand charged the indictment against us is based upon the *Mercury* report. Is that report true, or is it not?

Witness (to his Solicitor)—Is it based upon the *Mercury* report? (Laughter).

The Clerk—Is it merely on what you saw in the papers, in the report of what passed, that you base these charges?

Witness—No, it is on the effects of what was said.

Mr. Curran, referring to the second interview, again asserted that he disclaimed saying anything beyond what had appeared in the *Mercury*, as it was a verbatim report. Mr. Treleaven accepted his disclaimer, and then made his cashier withdraw.

Witness replied that the cashier substantiated what had been said. Mr. Curran said, "I object to that altogether; he has nothing to do with this meeting." He then directed Mr. Hayward to withdraw.

Mr. Curran—Did I not at the first interview express my surprise at the presence of the reporters and such preparations on your part?

Witness—Yes.

Your Solicitor has made a great deal of certain statements. Did I not at the opening of the first interview say, "that we were trying to

prevent you employing non-union men, but we would not countenance any insubordination on the part of our members to their employers?

Witness—Quite so; you did say that.

During both the first and second interview did I not again and again state, as reported, that we had come there not to fight, but to try and bring about an amicable settlement?

Witness—Certainly, but all the same time you said that if we could not come to such amicable settlement you would use your powers.

Mr. Curran—We stood firm upon that point, and that is the vital point.

Witness—Quite so.

Mr. Curran—We did assert, and my colleagues approved, that if you employers——

The Clerk—You will make your speech by-and-bye.

Mr. Curran only wanted to make his question clear. Was Mr. Treleaven in a position to bring evidence to prove that any of the men said they would work for him only that they were prevented by them (the defendants)?

Witness said Messrs. Varnier and Wade had heard two or three of the men say that if they had not been called out they would only have been too pleased to work on and finish the ship. But he had not brought the men forward. He didn't want to get them into trouble.

The Clerk said the defendants could call the men if they liked.

Cross-examination continued—When you spoke just now of the amount of wages earned by these men you forgot to state that they were on piecework?

Witness—I was not asked for it.

The Chairman—We quite understand that.

Mr. Curran—You also forgot to state that, considering the precarious nature of their work, they are not able to earn the year round the average of labourers' wages inside a factory?

Witness—I don't know about that. I only stated what I actually paid for a given time.

Did you when paying these men ask if they were afraid to go back to work?

Witness—I asked why they didn't go back, and I had different replies from different men. One man said he was a member of the committee and should stand by the union. (Applause). Some said they could not go back because the union had ordered them out.

At the first interview, at which we intimidated you after inviting us to your office, did you express your great pleasure that the interview had taken place?

Witness—Yes, because I thought I could see my way to my future conduct.

Did you shake hands with me the following morning?

Witness—Not then, but after the second interview when I handed you a book you had left behind, or my clerk did.

Mr. Curran—That was after I had intimidated you for a week? (Laughter).

Witness, on being asked to explain how the defendants were preventing his business going on, said by calling off the men who were at work on his ships.

Mr. Curran—Did you take note of what I said to the men in your presence?

Witness—No.

Mr. Curran—Then I did.

Witness—I didn't see you. I saw you with a cigar, but not a pencil. (Laughter).

Mr. Curran—I had written it out, and I was pleased that you were there to hear it. I said—"All you men who belong to our unions during the time Mr. Treleaven persists in employing non-union men we ask you to cease work. Use no violence, use no immoderate language, but quietly cease to work, and go home. (Applause).

The Clerk—Were those the words?

Witness—In effect. Certainly. Mr. Curran asked the men to use no violence, but they left their work.

In reply to further questions, witness admitted that one of the non-union men he at present employed had been discharged by him for getting drunk, but he came back some weeks afterwards, saying that he was starving and apologised.

Did we make it clear to you that this man had to be discharged from the union for dishonourable conduct?

Witness—No. I understood that you discharged him because I took him back. The question of demurrage would have to be settled. There was a strike clause in the bill of lading. At the second interview Mr. Curran put it to him that the "merchants could not say they had been arbitrary or outrageous in their demands," and witness replied "Not at all." It was perfectly true that their behaviour had been most courteous.

Mr. Curran—That's not the point. I want a straight answer.

Witness said that he certainly understood the union officials had been arbitrary all through. He was not applying that term to their personal conduct. They had been most polite all through, but he considered their demands outrageous.

Mr. Curran—But you don't deny that when I said we had not been arbitrary, you replied "Not at all."

Witness—I replied exactly as reported.

Mr. Shepheard put a few questions for the purpose of showing that the defendants had not given any moral support to the man Baker, who committed the assault on one of Mr. Treleaven's men, and the witness concurred.

The Clerk recalled witness's attention to his depositions as to the alleged use by Mr. Curran of the words that the "combined unions would unite to prevent his business going on, and would crush him."

Witness at first said that the words "crush you" were repeated by Mr. Curran. Upon this a protracted examination followed, the witness in the end practically admitting that the words were (as reported) put by him to the defendant, and that he made the reply as published.

Mr. Curran insisted that he distinctly repudiated the words "crush you," but this the witness would not admit; and Mr. Curran remarked that no doubt the Pressman would clear it up.

By Mr. Pearce—There was no other qualification of the words than had appeared in print.

Mr. Curran, through the Bench, asked if this question about "crushing" the prosecutor was not the outcome of a verbal statement to Mr. Treleaven by his cashier?

Witness—What do you mean?

The Clerk—Did your cashier first intimate to you that the word "crush" had been used?

Witness—Yes. He told me of it; and that is how I knew it.

The Chairman—I think he has already pretty well intimated to us that it was through his cashier that he used the words about "crushing."

In reply to Mr. Shepheard, witness said he asked the reporters to attend the interview in order that there should be no mistakes afterwards. That was his sole reason.

The Clerk—Did the defendants object to the Press being present?

Witness—They simply expressed a little surprise.

Mr. Curran—We expressed our astonishment at seeing the reporters present.

Mr. Pearce—That is in the report.

The Chairman—There was nothing to prevent your leaving if you objected to their presence.

Mr. Curran—We didn't object to their presence. Our desire is to show how the matter was sprung upon us.

Mr. Pearce—That was fully reported.

Mr. W. C. Wade, coal merchant, who was present at both interviews, and when the defendants called the men off the ships, also gave evidence.

By Mr. Curran—He did not belong to the Merchants' Association, nor did he represent them at the interviews.

Mr. A. H. Varnier, Hon. Secretary of the Coal Merchants' Association, also gave evidence.

Mr. J. G. T. Hayward, cashier in the employ of Mr. Treleaven, said that on the 9th instant the three defendants came into the office, and Curran asked if Mr. Treleaven intended to persist in employing non-union men. Witness answered that Mr. Treleaven intended to employ whom he liked irrespective whether the men were unionists or non-unionists. Curran then said "If Mr. Treleaven persists in employing non-union men, or blacklegs, as we call them, we shall combine the whole unions against him to prevent him carrying on his business." Witness told him that that could not be done, as they were then unloading a vessel by non-union men, and Curran answered "We have ways and means of preventing any work going on after that."

By Curran—He had given the sense of what was said.

Mr. Frank R. Thomas, M.I.J., reporter *Western Daily Mercury*, said he attended unwillingly, under a subpœna.

Mr. Pearce asked the witness if he did not report an interview between himself and the three defendants in the *Mercury* office on the 16th.

Witness declined to answer on the ground that the interview, if it took place, was of a private character and privileged.

Mr. Pearce pointed out that in criminal cases communications between solicitor and client were not held to be privileged.

The witness appealed to the magistrates as to whether he was bound to answer the question, and the magistrates, through their clerk, decided that the witness was. He said he did report the interview in question, and he believed the report to be correct.

Mr. R. H. Walling, M.I.J., chief reporter *Western Daily Mercury*, said he attended on subpœna. He was present at the interview between the defendants and Mr. Treleaven on the 9th instant.

In reply to Mr. Curran, the witness read over his notes, and said the word "crush" arose on a question by Mr. Treleaven, and he certainly did not understand that defendant adopted it.

By the Magistrates' Clerk—Mr. Curran did say: "We will do our very best to prevent your work going on."

Mr. Pearce said he relied on the threats used by the defendants, the calling out of the men after those threats, and the report of the interview in the *Western Daily Mercury* on October 17th.

CURRAN'S DEFENCE.

Mr. Curran then addressed the Bench. He desired to impress on them the position in which he and his fellow defendants stood that day. All he asked was justice and fair play, and that no prejudice might be brought to bear on their case. He and his colleagues were firmly of opinion that they had been the victims of a most artful conspiracy. He said deliberately that he was of opinion that Mr. Treleaven and his friends had laid a trap for them. (Laughter). Since he had been appointed District Secretary of the union he represented, and had been acting with Messrs. Shepheard and Matthews, they had been constantly engaged in settling little disputes between the men and the merchants. A Joint Committee had been formed to make bye-laws by which the three unions might be worked in harmony, They had thus been able to effect amicable arrangements, and many of the employers had expressed themselves as exceedingly satisfied with their action. A little dispute arose—of a very minor character—between Mr. Treleaven and his men, and on the 8th inst. Messrs. Shepheard, Matthews, and himself called at Mr. Treleaven's office to see if they could settle it in a friendly way. Mr. Treleaven could not be seen, and his cashier appointed an interview for five o'clock. They came, expecting to have a private talk with Mr. Treleaven himself. To their surprise they found Mr. Varnier, the Secretary of the Merchants' Association, Mr. Wade, and one Pressman. Another Pressman entered the room after they had begun the conversation, and he immediately expressed his surprise at this sort of thing being sprung upon them. Of course they did not fear the Press, as anything they might say they were prepared to stand by; but he wanted it to be clearly understood that they believed Mr. Treleaven had deliberately laid a trap for them to prejudice the cause of the unions in the eyes of the public. (Applause). If it was not a trap it was either collusion between Mr. Treleaven and himself, or Mr. Treleaven had invited them to intimidate him. (Laughter). The most wonderful thing, as showing the weakness of the case for the prosecution, was the attitude of their solicitor. No doubt he was a perfect gentleman; but, of course, when a lawyer took up a case, it was not a question of who was right or wrong; he must make the best of his case. (Laughter).

Mr. Pearce said he would take no advantage of their being undefended.

Mr. Curran—Well, his position was this—He had been appealed to by the combined unions to employ a solicitor, or even someone higher; but he told them "No, you will find

better use for your money than spending it upon solicitors in such a flimsy case as this." (Laughter and cheers, and cries of "Silence"). If there had been any intimidation no one could say that they forced it upon Mr. Treleaven. They went there at his courteous invitation; and, as they would see from the Press report, Mr. Treleaven himself was highly satisfied with it. In fact, they had the ridiculous spectacle of Mr. Treleaven practically giving them a vote of thanks for intimidating him. (Laughter). They would see that at the close of the interview Mr. Treleaven said he was exceedingly glad that they had met, and hoped that they would manage to come to amicable terms. His position was this—that it was simply an honourable and open conference. He and his colleagues repudiated anything that had been attributed to them except what appeared in the verbatim report in the *Mercury*. On those expressions, which had been quoted from the *Mercury* report, he was prepared to stand. If they could be contortionised into intimidation then he supposed he must bear the consequences. But he could not see that they had committed any breach of the law, and they confided in the honour of the gentlemen who occupied the Bench in Plymouth to give them the same justice as Englishmen generally. Why did they stand firm upon the question of non-union men *versus* union men? At present the working men of the Port of Plymouth were entirely united, and, knowing what benefits the unions had obtained for them, they were prepared to make great sacrifices before they would see the unions broken up. Through their combined force they had secured terms from the merchants which they could never have obtained if they had not been combined. They simply wanted to maintain their position, and they knew that to maintain it they must prevent non-union labour being introduced. Mr. Treleaven produced at the second interview a document signed by several of the merchants. One of these gentlemen had since then told him that he did not thoroughly comprehend the position of affairs; that he joined the merchants' association that day and signed the document in the night, and he was now sorry he had done it. Others had more or less practically repudiated the document The great point at issue was the introduction of the non-union men. The merchants in their declaration said they reserved to themselves the right of employing whom they pleased. If the merchants were right in combining for that purpose, the men were equally right in saying in their combined capacity, "We reserve to ourselves the right of working only with union men." (Applause). That was the point. Where did the intimidation come in? He was glad that Mr. Treleaven was present when he (Mr. Curran) went down to the docks to put the conditions before the union men who were then working for him. The proba-

bility was that if Mr. Treleaven and Mr. Wade had not been present it might have been taken from the mouth of some individual that he had said so and so, just as Mr. Treleaven took the statement of his cashier. Happening to see Mr. Treleaven near at hand, he invited him to come over and hear what he had to say to the men. The words he used were—"I ask you as union men to cease working during the time Mr. Treleaven persists in employing non-union men." The men immediately ceased work. They then walked to Devonport. It was not often they could afford to ride. (Laughter). Mr. Treleaven, like most commercial men, could use the telephone; and when they reached Devonport they discovered that Mr. Treleaven had these free-born British working men locked up so that they could not be spoken to. One of the men protested against it; and, had they cared to make charges on such flimsy grounds as that now brought against themselves, they might have had Mr. Treleaven for false imprisonment. (Laughter). However, Mr. Treleaven locked up those men. As he understood it English Employers were not in the habit of locking up their men during the hours of work.

Mr. Pearce—I don't wish to interrupt, but I say that this statement is wholly untrue.

Mr. Curran—I assert that the gates which admit into the dock were locked, and one of the union men had to come and speak to me through the bars of the locked gate. I was there, and the solicitor was not. (Laughter). They had to wait until three o'clock, allowance time, before they could speak to the men in a body; and, of course, they never went in again. They (the defendants) explained the conditions to the men, and they came away. Not one word of intimidation was used against the men who were in Mr. Treleaven's employ. At the present time he had four sailors of the "Ocean Queen" working for him, doing coal-porters' work; but not a single union man had said a word to them. They had intimidated nobody. All they had done was simply to ask their men to cease work during the time Mr. Treleaven was employing non-unionists. (Applause). Was that anything new in trades unionism? Certainly not. No engineer could go into any union factory in the United Kingdom where members of the Amalgamated Engineers' Society were working unless he could produce a society ticket. Immediately he refused to do so the men would lay down their tools against him. That was nothing new. It was only carrying out the principles of trades unionism throughout the country. He (the defendant) did say that they would "do all in their power to prevent Mr. Treleaven's work going on." He stood by it at the second interview, and he stood by it now. They had done so; but they had done so without breaking the law. All that they

could do, and had done, was merely to explain the condition of the case to their men ; and in doing that he contended that they had kept within the bounds of English law. They merely asked their men to cease working as long as Mr. Treleaven employed non-unionists, or blacklegs if they liked. They did not threaten or intimidate the men. Not one word, as he had already said, was used throughout that could be contortionised by Mr. Treleaven or any clever lawyer into intimidation. Mr. Treleaven's work was still going on, some of it. Undoubtedly they had succeeded in stopping most of it, but if Mr. Treleaven had adhered to his former decisions, if he had adhered to what the merchants had been carrying on in the Port of Plymouth for several months there would have been no dispute at all. He could fearlessly assert that while he represented 2,000 out of the 5,600 men who were to-day organised in the Port of Plymouth, he could never stand by and see non-unionist labour introduced for the express purpose of killing the union and bringing down the wages and condition of work to the old state of things that prevailed before the labour of the Port was organised. As he said to the *Western Daily Mercury* reporter in his interview with that gentleman, by their collective exertion they had gained concessions all over the country. They had gained these concessions by legitimate combination, and they could not be expected to let them slip. If Mr. Treleaven or any other merchant in Plymouth could get sufficient non-union men to carry on their work, they (the union officials) could not interfere. But the reason why Mr. Treleaven's work was standing still was because there were not enough blacklegs in the Port of Plymouth. (Applause). When there were enough blacklegs his work could go on. But until he recruited some more, it certainly could not go on; because the union men would refuse to work for him as long as he broke the vital principles upon which their combination was based. Mr. Curran went on to contend that such action as the union officials had resorted to was justified by the rules of the society, the legitimate character of which was shown by their being registered in accordance with Trades Unions' Act They had enforced their conditions, as he submitted, in a legitimate manner. The merchants had been engaged for some time in a conspiracy or combination to introduce non-union labour. They did not object to that, but only claimed the same right to combine as the merchants were claiming for themselves. The merchants appealed to the public through the Press about the liberty of the British subject, and talked about intolerance and tyranny. Those who knew the unionists well knew that it was the merest bunkum. There was no talk of intolerance and tyranny when the merchants could do what they liked with the coal-porters, but the moment the coal-

porters in their collective capacity demanded concessions then they were held up to the public as intolerant and tyrannical. The merchants had certainly made the best of their case, and he congratulated them on putting forward the cleverest man they had to fight their battle. But no man, however clever, could get through with a weak case in the eyes of an unbiased and unprejudiced public. To-day the public fairly understood their position. They were simply fighting to prevent a return to the old slavery. They had put forward no new demands, and had asked for nothing beyond what all the merchants had already conceded. They wanted, in fact, to maintain their position. Mr. Treleaven and all the other merchants would admit that the union were the best and most intelligent workmen they could get. He fearlessly asserted in that public court that all the most competent, intelligent, and sober men in the Port of Plymouth were union men. (Applause). It might not be clear to the Bench, but it was well known among the men, that those whom Mr. Treleaven was using to break down the union were men who had discredited themselves among their fellows. That was the class of men he was using as his tools, and he wished him luck with them. The fact that they had not interfered with the other merchants showed clearly that they had not forced on the battle, but that the battle had been forced on them. They had never said that they could "prevent Mr. Treleaven's work going on." He was very careful never to say that. What he did say was that it was "their duty to do all in their power to prevent." They did all in their power, and they did it with a certain amount of success. To-day Mr. Treleaven stood with four blacklegs and four sailors, and he knew best what sacrifices he was making in employing the four sailors instead of union men. If Mr. Treleaven would only say the word, the whole matter in dispute could be amicably settled in less than an hour. Let him give the men the word and he could assure him that the union would not shut their doors against these men. They wanted to see them coming back as repentant sinners—(laughter)—and turning over a new leaf. They would say to these men, "Come into our unions and be loyal to your fellows; we will impose the fine that is necessay for your disobedience, and after that you are free to work for Mr. Treleaven or anybody else." The matter was therefore entirely in Mr. Treleaven's hands. They had no intention of interfering with other merchants as long as those merchants refrained from supplying Mr. Treleaven with blacklegs to carry on his works. That, of course, they could not allow. He did not retract one syllable of what he had said at the interview, but he held that they had carried out all that they said they would do without breaking the law. If Mr. Treleaven and the other merchants

could meet at the Chamber of Commerce and come to an agreement reserving to themselves the right of saying whom they should employ, the union men on their part were entitled to reserve the right of saying with whom they would work, and that they would not work with non-union men. That was how the matter stood. He appealed to the Bench for a dispassionate consideration and for fair play. If they were accorded that, he believed it would be held that they had absolutely cleared themselves of any actual intimidation on their part.

Mr. Shepheard said he would leave the case as it stood as far as he was concerned, and Mr. Matthews followed suit.

The Bench retired for consultation, and remained out of court about twenty minutes. On their return,

The Chairman said the magistrates had listened attentively to the evidence of the prosecution and to Mr. Curran's reply. In their opinion there could be no doubt that intimidation had been used. The language of the decisions quoted was very clear. It had been held to be intimidation to tell a master that he should not employ a man who did not belong to a trades' union. There was no getting round that at all. It was plain and simple, and there could be no doubt, looking at Mr. Curran's own language (which he quoted at length), that he had intimidated not only Mr. Treleaven, but all the merchants in the town. It was plain as A B C. At the same time the defendants had conducted all their transactions with Mr. Treleaven somewhat amicably. There had been no personal threats of violence, but that was not necessary to constitute the offence of intimidation. The Bench therefore found all the defendants guilty of intimidation. It had been a consideration with the Bench whether they should give the defendants the option of a fine or not, but as this was the first time they had been brought up the Bench had decided to impose a fine of £20 on each defendant, or six weeks' imprisonment with hard labour in default. (Applause from a group of employers and a few hisses).

Mr. Curran intimated that the defendants would appeal if they could do so.

The Clerk informed them that if they decided to appeal they would have to enter into recognizances and gave certain notices within a definite period, and he recommended them to obtain legal advice. He asked the defendants formally whether or not they had any goods and chattels upon which to levy the fines.

Mr. Curran—We have the funds of the society at our disposal, but there will be no money paid from me. I will watch that. (Applause).

Messrs. Matthews and Shepheard—Nor from me.

The Clerk—First of all, have you any goods and chattels sufficient to pay £20.

Mr. Curran—Personally I have not.

The other defendants made a similar reply.

The Clerk—Then you understand that the penalty is six weeks' imprisonment in default.

After consultation with the Bench, the Clerk stated that the magistrates held that the defendants could go at large for the present. Did Mr. Pearce press for a committal.

Mr. Pearce—We are entirely in the hands of your worships. We have no personal feeling whatever.

The Clerk (to defendants)—Then it is your desire to appeal. That is *bona fide*.

Defendants—Yes.

The Chairman—You will be instructed as to the time for giving notices of appeal. If you don't do it in that time you will have to go to prison or pay the fine.

The defendants asked Mr. Bridgman for information on the point, but that gentleman said he could not advise them; they must ascertain it from a solicitor.

Mr. Curran on leaving the court was heartily cheered by a crowd of sympathisers, some of whom carried him on their shoulders to the union office in Notte Street.

OPINIONS OF THE PRESS.

The "Western Daily Mercury" of October 17th, says:—

PLYMOUTH is on the eve of another great labour agitation. The issue is a very simple one, and no disguise is attempted on either side. Mr. Treleaven has been chosen to inaugurate the battle on behalf of the coal merchants, and he has thrown down the gauntlet by employing four men who do not belong to any Trades Union. The way being thus prepared, Mr. Treleaven contends that the men have a right to employment, and that he has a right to employ them. The statement simply conveys the familiar explanation when the employers have decided to do all in their power to dissolve the union. On the side of the men it is admitted that, if unionists are permitted by their organisations to work alongside those who refuse to join, the aim of the employers must be achieved and the societies broken up. The argument, as expressed by Mr. Curran in the interview which we publish elsewhere, is that unionists feel that they are making sacrifices to fight the battle of their class, and that, if they are allowed by their societies to do the work of employers who give equal privileges to men who make no sacrifices, the intention of their combination is brought to naught It is very easy to misrepresent the situation; but, in a matter of high politics, there is no need to swerve from the facts on either side. The employers, by engaging non-unionists, render it incumbent upon the Trades Unions to call out their men. That is a clear, cold, and fully-understood calculation, and the employers are perfectly entitled to proceed on those lines and to lay their plans accordingly. It is an act of war which everyone has a right to wage, and, although the employers may not intend it to be so regarded, the unionists respond promptly that they must, from their constitution and circumstances, regard the act as provocative and as intended to lead to a life and death struggle. The employers say that it is hard that they shall not be allowed their freedom of action, and that it is equally hard that their men shall be compelled to take a union ticket. On the side of the union Mr. Curran insists that this is, and must be, a mere cover to introduce discontent and demoralization which Mr. Treleaven's action has produced that render it impossible to refrain any longer from taking action. Mr. Treleaven, on the one side, and on behalf of the coal merchants, fights the battle of these four non-unionists. Mr. Curran, on the other side, and as representing between five and six thousand unionists, argues that Mr. Treleaven is not fighting the battle of the four non-unionists at all, but is using them to disband the five or six thousand who have risen to the responsibility of

standing by each other for common purposes and objects. Such are the conditions of the contest. There is really no concealment on one side that the object is to cripple the union. There is a candid avowal on the other side that the conditions are fully appreciated. A word from Mr. Treleaven and the four men would enter the organization and the contest would be over. But Mr. Treleaven does not intend to give the word, for the existence of unionism is evidently to be made the principle of a determined struggle wherever dockers exist in any numbers, and in Plymouth it is apparent that the two parties are about to embark on this order of campaign. So far as we can understand, the unionists simply claim that they have a right to combine, and that their combinations must fail if they associate with men who take advantage of the fruits of their victories without contributing their part to the winning of them. No one will accuse Mr. C. Ackland, M.P., of being an extreme politician, and yet these were the words in which at Wadebridge last evening he compared the principles of labour combinations and the plan of campaign:—

"Boycotting was intended to be a harmless instrument for the expression—the resolute expression—of a whole country side in favour of a particular policy. That was to say, when all the tenants of a particular landlord felt that they were aggrieved and were entitled a reduction, they resolved that they would all *sink or swim together*, and they wished to insist that none of their number should go behind their backs and secure his own position without looking after his fellow tenants. They wanted, in fact, to create a sort of feeling *of fraternity, of unity, and of self-sacrifice, for the common good—the sort of thing that was carried on in the Trades Unions of England, and in almost any club or association of men.*"

In other words, the principle is that the few men who will not sink or swim with their class are the traitors of that class, the men who pull out the cork from the boat and endanger the safety and welfare of all hands, and who should be ostracized for their treason. The Unionists deny that they say that these men shall not work. What they urge is that they will not associate with them and that they will do their utmost to dissuade others from doing so either. Mr. Acland reluctantly argues that this is the ruling principle of protection amongst all sorts and conditions of men. The combinations of employers is corroboration of this statement. We regret that a prolonged and exasperating struggle should be thus imminent, but we have sought to make the genesis of it clear. On either side there are mysterious suggestions as to the possession of winning cards, and this means that every device which money and ingenuity can suggest will be exhausted in the course of the struggle. But it does seem a melancholy waste of resource that such a battle should be entered upon with so much resolution on either side, since it is obvious that Trades Unionism is a force which cannot be extinguished, and which it would be plainly to the interests of employers to accept on an honourable basis of negotiation. There are firms of great reputability in Plymouth who refuse to employ non-unionists because they find the union a moderate court of appeal, and recognise in unionists men of the best character and workmanship Of course, nothing is easier than to pervert the facts in such a controversy and to talk of the despotism which will not permit unionists to work with non-unionists. But it is obvious that this is the only weapon in the unionist armoury, and that, if they do not use it when they are driven at bay, they may as well retire from the scene and close their offices It is a lamentable crisis, one of the unpleasant episodes of the labour struggle about which it is absurd to be unphilosophical, but in

regard to which we are quite sure that the gentle arts of persuasion might have been effectively employed if the impression did not prevail that a temporary crippling of the unions would mean their total collapse. This may be war, but it is not statesmanship, and, if we are to see more of the former than of the latter, the social encounter has already become so acute that the consequences cannot be foretold.

The "Western Daily Mercury" of October 21st, says:—

THE charges against the local leaders of the labour agitation were investigated yesterday before the Plymouth magistrates, and the case was remarkable in many ways. The origin of it was peculiar. Disturbances being imminent between the coal merchants and the employés, in consequence of one of the former insisting upon the engagement of men who had been expelled for disobedience to the laws of the union, a conference was arranged. When Mr. Curran and his fellow officers made their appearance in the morning, they were informed that Mr. Treleaven would not be ready for them until late in the afternoon. On returning at the hour appointed they found reporters in attendance, and Mr. Treleaven invited the officers to repeat in their presence certain observations they were alleged to have made on some previous occasion. Mr. Curran had no hesitation in complying, and he intimated that if Mr. Treleaven insisted upon retaining the non-unionists he should feel compelled, by withdrawing all unionists, to prevent his work from proceeding. The interview appears to have been remarkable for plain-speaking and courtesy on both sides. Mr. Curran expressed the generally-accepted view of union law—that men have a right to cease work by common consent if the conditions are not agreeable. As he regarded the employment of non-unionists in the same gangs as unionists as disastrous to the interests of the organization—since the latter were already agitating against consorting with labourers whom they looked upon as traitors to their class—Mr. Curran informed Mr. Treleaven that he should be obliged to call his men off. The interview having concluded, Mr. Treleaven took legal opinion and preferred a charge of intimidation against the delegates who had met him. Nothing has previously been clearer than the fact that workmen may agree to refrain from their labour as a means of bringing pressure to bear on their masters. As a result of yesterday's trial the question now arises as to whether it is not a positive danger for workmen to negotiate with their employers preparatory to striking. Mr. Curran, with a large and active experience of Trades' Unionism, was so satisfied that there had been no intimidation, and that Mr. Treleaven was a party to such pressure as may have been exerted by formally requesting the delegates to repeat the language he constructed as coercive, that he determined to defend himself, as he did with extraordinary ability. It was suggested that Mr. Curran had told Mr. Treleaven's cashier that he should "crush" him, but Mr. Curran's disclaimer of that observation appears to have been accepted, and in his evidence the cashier himself attributed to Mr. Curran the more passive expression "prevent." The magistrates convicted the defendants upon the ground that it was illegal to communicate to an employer the determination to strike if certain conditions were not complied with The plain meaning of this is that the men have no protection in negotiating, and that any employer who desires them to explain their programme may involve the leaders in heavy penalties or imprisonment for doing so. This may be law, but it is neither justice nor expediency. Under the circumstances the defendants have resolved

to appeal. The principle as affirmed—and it is certainly a survival of a barbaric period—is so far reaching in its consequences that it is a matter of national interest that the ultimate decision should be carried to the highest tribunals, and even to the bar of Parliament itself.

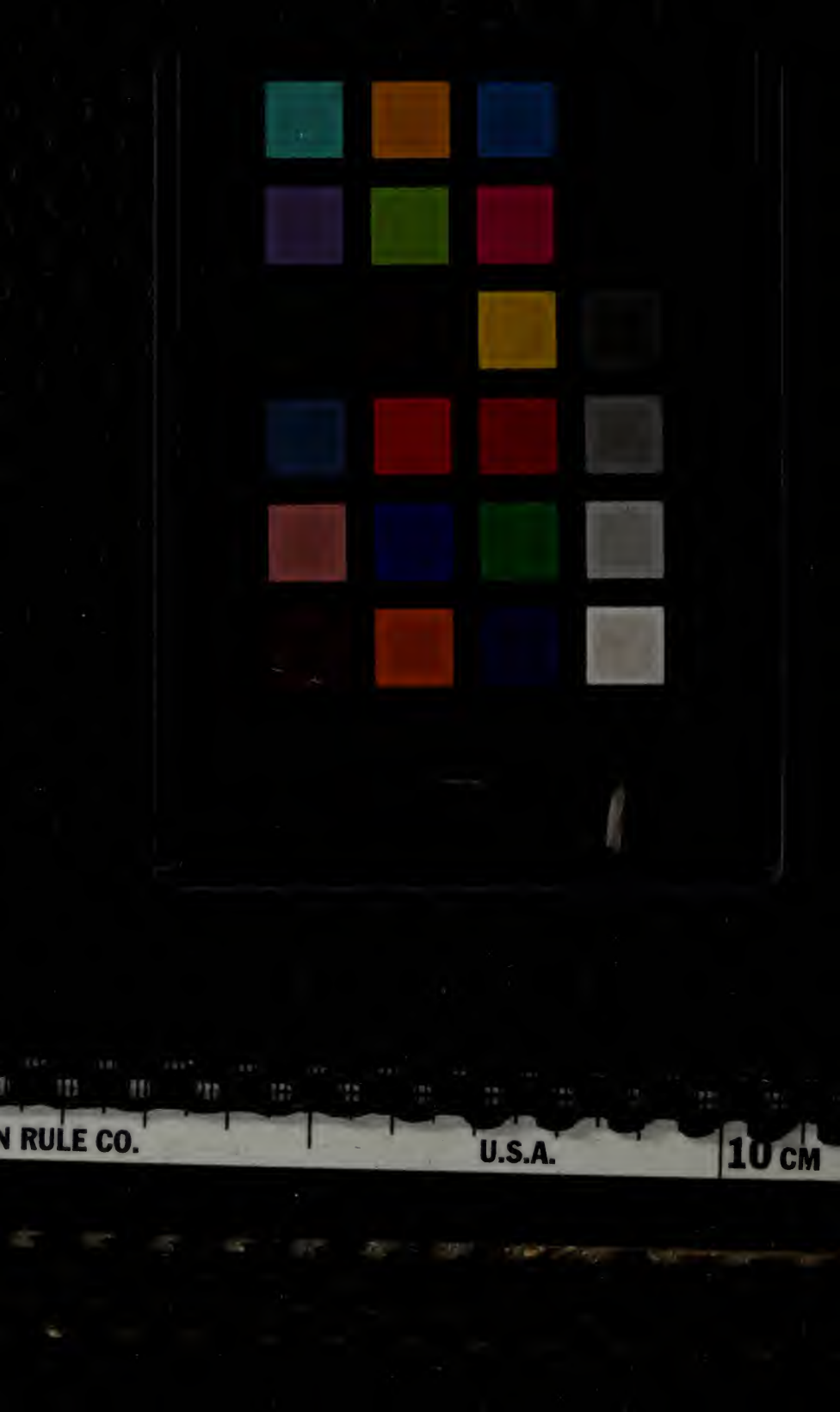
The London "Daily Chronicle" of October 23rd says :—

THE decision of the Plymouth magistrates in the case of Messrs. Curran, Shepheard, Matthews, and others, will probably arouse the indignation and surprise of trade unionists throughout the country. One of the magistrates pointed out that it had been held intimidation to tell a master that he should not employ a man who did not belong to a trade union. Precisely so; but it is not alleged that Mr. Curran did this. To say to a master, "You shall not employ a non-union man" is one thing; to say, "If you employ a non-union man, we won't work for you" is another. No man has a right to prevent by personal violence, or the threats of personal violence, any other man from employing whom he will or working for whom he will. But every man has a right to refuse to work for any other man if he chooses, and since each man has this right separately he does not lose it by joining himself with others in a trade union. And surely, if this be so, it is a serious hardship if the law allows trade union officials to be fined twenty pounds or sent to prison for six weeks for announcing the decision of the union to withdraw its members under certain circumstances. If such an announcement be intimidation, is it not likewise intimidation on the part of an employer to announce that he will discharge the girls working for him if they become members of a trade union? Yet there is not a Bench of Magistrates in the Kingdom which would impose a fine upon any three employers who combined to do this, far less would commit them to prison for six weeks. Whether the three Plymouth Secretaries and their local unions were wise in exercising their right to refuse to work if they chose is an altogether different question. It is, however, a course that has been followed for years by some of the oldest and staidest trade unions. There will, we hear, be an appeal from the decision of the Plymouth Bench. The result will be looked for eagerly by trade unionists in every trade and town.

"The Star" of October 22nd, says :—

THERE are one or two points about this case of "intimidation" we would call attention to. No contract was broken; it is not pretended that violence was used toward any "free" labourers, or even threats—indeed, they are admittedly peacefully at work. The men who were called out were union men, and were appealed to by their own officers; and it is only vaguely hinted that two were inclined to hold back. The men who have a prospect of prison before them if their appeal fails acted with conspicuous dignity, openness and moderation. Their only claim is a right to advise the men they have been appointed to direct to leave off work and to exert their influence with others to induce them to refuse to assist the master in his dilemma. If this right is denied, the vaunted legalisation of trade unionism is a sham. If men may not abstain from work at their leaders' call then they are slaves indeed.


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